

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2150.05
COMPLAINT INVESTIGATOR:	Becky Bowman
DATE OF COMPLAINT:	July 1, 2004
DATE OF REPORT:	July 26, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 30, 2004

COMPLAINT ISSUES:

Whether Carmel Clay Schools and Hamilton-Boone-Madison Special Services violated:

511 IAC 7-27-13 by failing to reimburse the parents for costs associated with the parents' travel to attend a case conference committee meeting at the residential facility where the student has been placed.

511 IAC 7-27-13 and 511 IAC 7-27-6 by failing to include in the student's individualized education program a description of the transportation associated with the student's placement in an out-of-state residential facility (student or parent transportation) to be provided or otherwise reimbursed by the school.

FINDINGS OF FACT:

1. The Student is eligible for special education and related services.
2. The School acknowledges it did not reimburse the Complainants for part of their costs associated with their travel to attend an out-of-state case conference committee meeting for the Student, that the Student's IEP did not describe the reimbursement for transportation associated with the Student's out-of-state placement, and that the School does not have formal guidelines and procedures concerning such transportation.
3. The School has taken steps to correct the identified problems, and has agreed to reimburse the Complainants for the costs associated with the travel and will be requesting information from the Complainants needed to obtain approval and reimbursement of the travel expenses. The School will arrange with the Complainants to convene a CCC meeting prior to August 27, 2004, to address the transportation and reimbursement issues and include the requisite information in the Student's IEP. Finally, the Cooperative will revise its policies and procedures to include reimbursement/payment for travel costs associated with a student's out-of-state placement.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the School initially failed to reimburse the Complainants for costs associated with travel to attend an out-of-state CCC meeting for the Student that constitutes a violation of 511 IAC 7-27-13. However, Finding of Fact #3 indicates that the School has initiated appropriate corrective action that is reiterated in the Corrective Action section below.
2. Finding of Fact #2 establishes that the School failed to include requisite information in the Student's IEP regarding travel/transportation expenses to be paid or otherwise reimbursed and failed to have

reimbursement guidelines or procedures to provide to the Complainants. These failures result in a conclusion of non-compliance with 511 IAC 7-27-13 and 511 IAC 7-27-6. However, Finding of Fact #3 indicates the School has initiated appropriate corrective action to address these issues, and the corrective action is reiterated in the Corrective Action Section below.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Carmel Clay Schools and Hamilton-Boone-Madison Special Services shall:

1. Provide the Complainants with the paperwork necessary for the Complainants to obtain reimbursement for the costs associated with their travel to the Student's out-of-state placement and ensure that the paperwork is processed in a timely manner, including submission to the Board. The School shall provide documentation to the Division no later than September 30, 2004, that reimbursement has been made. The documentation submitted shall include the Complainant's written acknowledgement that reimbursement has been received.
2. Convene a CCC no later than August 27, 2004, to address the issue of transportation and the costs associated therein. The Student's IEP shall describe the transportation to be provided for the Student or the Complainants at the School's expense as it relates to the Student's out-of-state placement. In the absence of completed guidelines and procedures identified in #3, the CCC Report/IEP shall also address items 3a, 3b, 3c, and 3d listed below. A copy of the CCC Report/IEP shall be submitted to the Division no later than September 13, 2004.
3. Establish guidelines and procedures concerning transportation associated with a Student's out-of-state placement, including, but not limited to:
 - a. Modes of transportation for which payment or reimbursement will be made,
 - b. Method by which transportation and related costs will be paid,
 - c. The length of any advance notice required, and
 - d. The travel-associated costs allowed under the School's policy.A copy of the approved guidelines and procedures shall be submitted to the Division no later than September 30, 2004.